

# **Citizen's Check List for Filing a Legislative Ethical Complaint**

- 1) The complaint must be against a sitting legislator. (JR6-3-101(1)(b))**
- 2) The complaint cannot be filed during the 60 calendar days preceding a primary or general election if the accused legislator is a candidate and is opposed by another candidate in either of those elections. (JR6-3-101(2)(b))**
- 3) The alleged ethical violation generally must have occurred within the past two years. (JR6-2-201)**
- 4) The alleged ethical violation must fall into one of the following categories: (JR6-1-102)**
  - a. Legislator engaged in activity that destroyed or impaired independence of judgment
  - b. Legislator was paid to further a legislative matter
  - c. Legislator exercised undue influence on a government entity
  - d. Legislator abused official position or violated trust
  - e. Legislator used non-public information to gain a business advantage with the state or a political subdivision
  - f. Legislator disclosed confidential information gained through official position
  - g. Legislator used official position to secure privileges for self or others
  - h. Legislator failed to disclose a conflict of interest during the legislative session
  - i. Legislator received a gift or award that influenced the legislator's official duties
  - j. Legislator had an unfair advantage in business or professional activities due to the legislator's official position
  - k. Legislator failed to follow Utah Procurement Code in obtaining a state contract
  - l. Legislator, household member, or client benefited from a state contract arising from legislation sponsored by legislator without following Utah Procurement Code

- m. Legislator has been convicted or pled guilty to a crime involving moral turpitude
  - n. Legislator has entered a plea of no contest or a plea in abeyance to a crime involving moral turpitude
- 5) The complaint may be filed by two or more registered voters currently residing in Utah. (JR6-3-101(1)(a)(i))**
- 6) The complaint must contain evidence or sworn testimony that sets forth facts and circumstances supporting the alleged violation that would be of a type generally admissible under the Utah Rules of Evidence. (JR6-3-101(1)(iii))**
- 7) At least one of the citizen complainants must have actual knowledge of the facts and circumstances supporting the alleged violation and include a signed statement to that effect. (JR6-3-101(1)(iii)) and (JR6-3-101(3)(c)(iii)(B)(II)) Actual knowledge is typically defined as “direct understanding of a circumstance or fact, resulting in information that would lead a reasonable, prudent person to investigate further.”**
- 8) The complaint must be in writing and contain all of the following information; (JR6-3-101(3))**
- a. the name and position or title of the legislator
  - b. the name, address, and telephone number of each individual who is filing the complaint;
  - c. a description of each alleged violation, including a reference to the section of the code of conduct alleged to have been violated or the criminal provision violated and the docket number of the case involving the legislator.
  - d. the name of the complainant or complainants who have actual knowledge of the facts and circumstances supporting each allegation.
  - e. the facts and circumstances supporting each allegation, including copies of official records or documentary evidence or one or more affidavits.
  - f. a list of the witnesses whom the complainants wish to have called, including each witness’s name, address, and one or more of the witness’s telephone numbers, if available.

- g. a brief summary of the testimony to be provided by the witness; and a specific description of any documents or evidence complainants desire the witness to produce;
- h. a statement that each complainant has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint, believes them to be true, and is filing the complaint in good faith.
- i. the signature of each complainant.

**9) The complaint must be kept confidential (JR6-3-102(1)(a))**

- a. If the existence of an ethics complaint or any information concerning any alleged violation that is the subject of a complaint is publicly disclosed during the period that the Independent Legislative Ethics Commission is reviewing the complaint, the complaint shall be summarily dismissed without prejudice.

**10) Statements made in the complaint and the affidavits supporting the complaint are to be submitted in good faith and are subject to penalties of perjury.**

**JR6-3-101(3)(c)(iii)(B)(IV) and JR6-3-101(3)(e)(ii).**

This guide is for reference only. For actual language and requirements of the rules themselves, see Legislative Joint Rule Title 6, Legislative Ethics and Adjudication of Ethics Complaints at [www.ethics.utah.gov](http://www.ethics.utah.gov).